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OFFICE OF PETITIONS

In re Application of :
Parker, et al. :
Application No.: 10/756,973 : ON PETITION
Filed: January 14, 2004 :
Attorney Docket No: **PKRG-002XX** :

This is in response to the petition under 37 CFR 1.137(b) filed May 22, 2006.

The petition under 37 CFR 1.137(b) is **granted**.

On April 24, 2004, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). The Notice required an executed oath or declaration, \$65.00 surcharge, and replacement drawings. A proper reply was not received within the allowable period, and the application became abandoned on July 25, 2004. A Notice of Abandonment was mailed on March 27, 2006.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply form the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office.

The executed declaration filed May 22, 2006, is noted and made of record.

The Revocation of Power of Attorney and Appointment of Attorney, filed May 22, 2006, is noted but cannot be entered as it is signed by a purported assignee, but a certificate under 37 CFR 3.73(b) has not been filed giving the assignee power to take action in the prosecution. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.



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Office of Petitions

cc:

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